

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 12, 2003
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on March 12, 2003, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Deputy Clerk.

In Memoriam

***Brian Thomas Clearwater
Supreme Court Calendar Coordinator
October 3, 1953 – February 24, 2003***

Good morning. Before we begin today's oral argument session, I would like to say a few words, on behalf of the Justices and the entire court staff, concerning Brian Clearwater, a longtime employee of the Supreme Court who passed away unexpectedly and far too soon, on February 24, 2003. We wish to recognize and commemorate his exceptional and dedicated service to the court.

At the time of his death, Brian was the Calendar Coordinator for the Supreme Court. His job title fails to reflect a sense of how integral that role is to the court's operations. The calendar coordinator's office keeps track of the movement of cases within the court, prepares the orders issued by the court, maintains an extensive electronic internal case-information system, and generally ensures that cases are properly guided through all the necessary stages in the chambers of the court's seven justices and the offices of its staff attorneys.

Brian came to work for what was then known as the Secretary's Office on February 21, 1984. He became Calendar Coordinator in December 1989, soon after the earthquake required moving the court and all its case files to temporary quarters. And he still served in that capacity when we moved again just over a year later to

Marathon Plaza, and then back again to our present, permanent quarters in 1999. Brian and his office played an important role in ensuring our court's ability to continue to work smoothly through these upheavals.

As calendar coordinator, Brian was in frequent contact with each of the justices and most members of the staff. And he also worked with the Court of Appeal Justices who were appointed to serve by assignment as justices pro tem on the Supreme Court. One of his duties was to guide these pro tem justices through the somewhat arcane processes of our court — and from all the reports I received, he did an excellent job of it.

Brian could be found each Wednesday morning, sitting in the anteroom of my chambers, waiting to review with me the signed orders from the court's petition conference — orders he had prepared. In fact, because as Chief Justice I sign almost all of the court's orders, my contact with Brian concerning crafting, preparing, and signing those orders was an almost daily occurrence. Brian unfailingly was polite and good-humored, as well as insightful, and he always was willing to take the extra steps necessary to make our work flow smoothly.

Brian knew everyone here at the court. He had friendly nicknames for many of those members of the staff whom he encountered frequently, and a friendly greeting and nod for everyone he met. He ardently and discerningly shared his enthusiasm for the theater, film, travel, tennis, and cats. And his dedication to family and friends was without qualification.

Brian was a model of public service — he performed his duties with skill, care, and imagination. In our daily activities at the court, we shall miss all those qualities that Brian shared with us. But what we shall miss most are his kindness, his calm, and his warmth. Our thoughts go out to his family and his loved ones and friends.

In accordance with our custom, it is ordered that this memorial be spread in full upon the minutes of the Supreme Court and be published in the Official Reports of the opinions of this court, and that copies of these proceedings be sent to Brian's family.

- S104444 Brent Ferguson et al., Plaintiffs and Appellants
 v.
 Lieff, Cabraser, Heimann & Bernstein, LLP et al.,
 Defendants and Respondents
 Cause called. David J. Becht argued for Appellants.
 Jerome B. Falk, Jr. argued for Respondents.
 Mr. Becht replied.
 Cause submitted.
- S103761 The People, Plaintiff and Respondent
 v.
 Randy Loyd Buttram, Defendant and Appellant
 Cause called. Amanda F. Doerrner argued for Appellant.
 A. Natasha Cortina, Deputy Attorney General, argued for
 Respondent.
 Ms. Doerrner replied.
 Cause submitted.
- S099172 In re Estaban Noe Chavez
 On
 Habeas Corpus
 Cause called. Kristine A. Gutierrez, Deputy Attorney General,
 argued for Respondent.
 David K. Rankin argued for Petitioner.
 Ms. Gutierrez replied.
 Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the Court and Officers present as first shown.

- S104303 The People, Plaintiff and Respondent
 v.
 Jeffrey Hammer, Defendant and Appellant
 Cause called. Christopher Blake argued for Appellant.
 Elizabeth S. Voorhies argued for Respondent.
 Mr. Blake replied.
 Cause submitted.
- S020244 The People, Respondent
 v.
 Jesus Ciane Hernandez, Appellant
 Cause called. John Fresquez, Deputy State Public Defender,
 argued for Appellant.
 Robert Whitlock, Supervising Deputy Attorney General, argued
 for Respondent.
 Mr. Fresquez replied.
 Cause submitted.
- S028339 The People, Respondent
 v.
 Gregory Calvin Smith, Appellant
 Cause called. William Goodman argued for Appellant.
 Lisa H. Ashley Ott, Deputy Attorney General, argued for
 Respondent.
 Mr. Goodman replied.
 Cause submitted.

Court recessed until 9:00 a.m., Thursday, March 13, 2003.

S035348

PEOPLE v. SMITH (ROBERT LEE)

Extension of time granted

to 5/2/2003 to file appellant's opening brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Scott F. Kauffman's representation that he anticipates filing that brief by 6/2/2003.

S111336

FIGUEROA (VICENTE B.) ON H.C.

Extension of time granted

to 4/16/2003 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Kelly E. LeBel's representation that she anticipates filing that document by 7/18/2003.

S113371

SLAUGHTER (MICHAEL COREY) ON H.C.

Extension of time granted

To 4/9/2003 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling 90 additional days are contemplated. Extension is granted based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing that document by 7/15/2003.

S073253PEOPLE v. GUTIERREZ (ALFRED A.)
Order filed

Appellant's request for relief from default is granted. Extension is granted to 4/25/2003 to file appellant's opening brief. After that date, only four further extensions totaling 240 additional days are contemplated. Extension is granted based upon counsel H. Mitchell Caldwell's representation that he anticipates filing that brief by 12/31/2003.

B159895 Second District

HAWKINS v. CITY OF LOS ANGELES
Court of Appeal, Second Appellate District, is transferred from Division Five to Division One

B160604 Second District

SOROKA v. PODBERESKY
Court of Appeal, Second Appellate District, is transferred from Division Four to Division Five**Bar Misc. 4186**IN THE MATTER OF THE APPLICATION OF
THE COMMITTEE OF BAR EXAMINERS OF
THE STATE OF CALIFORNIA FOR
ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)